

Notice of Allowability

Application No.

09/918,168

Examiner

Shelley Self

Applicant(s)

GARCIA ET AL.

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/7/05.
2. ☒ The allowed claim(s) is/are 20-41 and 52-68.
3. ☒ The drawings filed on 30 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

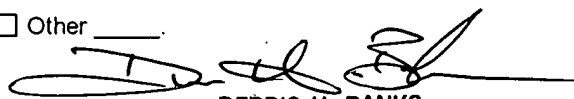
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

DETAILED ACTION

Response to Amendment

The amendment filed on January 14, 2004 is sufficient to overcome the prior art reference, accordingly the application is in condition for allowance.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with the attorney or record, Craig Waller on February 7, 2005.

The application has been amended as follows:

- **Cancelled claims 1-19, 42-51 and 71** as being drawn to a non-elected invention
- Claim 31, line Replaced "*The planer of claim 23*" with **—The planer of claim 24—**
- Claim 31, line 4, Replaced, "*the engaged position*", with **—an engaged position—**
- Claim 65, line 1, Replaced, "*The planer of claim 58*" with **—The planer of claim 59—**
- Claim 65, line 4, Replaced, "*the engaged position*", with **—an engaged position—**
- Claims 20 (line 11), clm. 37 (line 14), clm. 38 (lines 2,3), clm. 36 (lines 2,4,7,8), 52, (line 1), clm. 54 (line 7), 55 (line 1) and clm. 56 (line 1) **delete "column-like" replace with —column—**

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: The prior art does not disclose or suggest a planar/material removal device having a movable cutterhead/means for removing material and depth stop mechanism *selectively preventing travel of the cutterhead in a first direction while permitting travel of the cutterhead in the second direction* as set forth in claims 20, 21 and 37.

Further the prior art does not disclose or suggest a planar wherein the depth stop mechanism comprising a depth stop member rotatably supported on a first threaded portion of the first support member and further comprising a depth stop nut threadably received on the first threaded portion of the first support member as set forth in claim 58.

The prior art reference, Stolzer discloses a depth stop mechanism

The prior art reference, Chang discloses a planar apparatus having a base, support columns, moveable cutter head in a first and second opposite direction and cutter locking mechanism (depth stop) locking the cutter head at a vertical position at a distance from the base, thereby prohibiting of the cutterhead in a first and second direction. Chang does not disclose preventing movement of the cutter head at a first position *while allowing movement* at a second opposite direction. Further Chang does not disclose the depth locking mechanism to be rotatably supported on the first support member and having a depth stop nut as set forth in claims 20, 21, 37 and 58.

Neither the prior art nor any combination thereof discloses the claimed invention as set forth in claims 20, 21, 37 and 58. Accordingly claims 20, 21, 37 and 58 contain allowable subject matter.

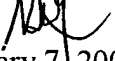
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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIE or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf 
February 7, 2005


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